

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MILLER

*Plaintiff,*

v.

COUNTY OF LANCASTER, *et al.*,

*Defendants.*

Civ. No.: 5:24-cv-05338-JFL

Judge Joseph F. Leeson, Jr.

**PLAINTIFF’S MOTION FOR ENTRY OF FINAL JUDGMENT UNDER FED. R. CIV. P.**

**58**

Pursuant to Rule 58(a), (b)(2), and (d) of the Federal Rules of Civil Procedure, Plaintiff Michael Miller respectfully moves the Court to enter final judgment in this action.

On March 7, 2025, the Court entered an Order (ECF No. 36) dismissing all federal claims in this action—some with prejudice, others without—and granted Plaintiff leave to amend as to certain state and federal claims. On July 15, 2025, the Court reaffirmed this structure and imposed a final amendment deadline of August 14, 2025 (ECF No. 60).

On July 31, 2025, Plaintiff filed a Notice of Intent Not to Amend and Election to Stand on Dismissals, stating unequivocally that he declines to file a second amended complaint and elects to stand on the dismissed pleadings.

Because a separate document has not yet been entered, and because this Court’s March 7, 2025 Order did not resolve all claims with prejudice, judgment has not yet taken effect for purposes of appeal under Rule 58(c). The filing of this Motion and the accompanying waiver removes all remaining ambiguity and satisfies the conditions for finality under Rule 58(a) and Rule 4(a)(7)(A).

Accordingly, there are no claims remaining before this Court. Entry of final judgment is now mandatory under Rule 58, and no separate document has yet been issued.

Under Rule 58(d), Plaintiff formally requests entry of judgment so that the time for appeal may run under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure. See *Weber v. McGrogan*, 939 F.3d 232, 240 (3d Cir. 2019); *Borelli v. City of Reading*, 532 F.2d 950, 951 (3d Cir. 1976).

Respectfully submitted,

/s/ Michael Miller  
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Dated: July 27, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

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Respectfully Submitted,

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